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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,392	08/09/2000	David N. Still	50325-0114	5542

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EXAMINER

HALIM, SAHERA

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/636,392	Applicant(s) STILL ET AL.	
	Examiner Sahera Halim	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al., U.S. Pat. No. 6,470,389(hereinafter Chung) in view of Holden et al. U.S. Pat. No. 6,067,620 (hereinafter Holden).
4. Regarding claim 1, Chung teaches a method of communicating information in a network that includes a host that originates a request (Fig. 4, client 52 originates a request), a first server that serves a response to the request (server 1), and a second server that cooperates with the first server to respond to the request (server 2 and col.5, lines 47-62), the method comprising the computer-implemented steps of:
 - receiving a first request for a service from the host, which request includes a network address of the host (Fig. 4, lines 12 col. 8, line 49); and
 - communicating a second service request to the second server when the first service request includes functions not available in the first server, said second service request including the host network address only when a first network address of the first

server is identical to a second network address of the second server (col. 3, lines 65 – col. 4, line 63; the address of two servers can be identical when the two servers are in a cluster).

Although the system disclosed by Chung shows substantial features of the claimed invention, it fails to teach that the communication in the network is secure. Nonetheless, secure communication is old and well known in the art as evidenced by Holden. Holden discloses a method of securely communicating information in a network (abstract). Given the teachings of Chung and Holden, it would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Chung by including security features in order to prevent the system from any intrusions.

5. Regarding claim 2, Chung and Holden do not disclose the request of the host comprises a key value comprising an originating host Internet Protocol (IP) address and a random value. However, these features are well known in the art and would have been an obvious modification to one having ordinary skill in the art at the time of the invention because it enhances the security of the system.

6. Regarding claim 3, Chung discloses the step of communicating a second service request comprises the step of accepting the host request only when an IP address of the second server is the same as an IP address of the first server (col. 3, lines 65 – col. 4, line 63; the address of two servers can be identical when the two servers are in a cluster).

7. Reference to claim 4, Chung teaches the host is a Web browser and wherein the host request comprises a Universal Resource Locator (URL) that includes an IP address of the host (col. 5, lines 55 – 61).

8. As to claim 5, Chung and Holden do not explicitly teach the host request comprises an HTML POST form that includes an IP address of the host. However, these limitations are old and well known in the art as evidenced by the background description of Chung. It would have been obvious for one having ordinary skill in the art at the time of the invention to include these limitations in order to enable communication between the servers and the client.

9. Claims 6-25 are rejected under the same rationale as claim 1-5. Although some claims of 6–25 are not identical to claims 1-5, they do not further teach or differ over the limitations recited in claims 1-5. Therefore, they are rejected under the same art.

Response to Arguments

10. Applicant's arguments filed May 04, 2004 have been fully considered but they are not persuasive.

11. In response to the applicant's arguments that Chung discloses a sever cluster in which "each sever of the cluster generally provides access to the same set of contents" (Col.2, lines 46 –47). The servers provide access to the same set of contents, but it does not mean that the servers have all of the contents available. One sever might be

addressing another request for a specific content and therefore that specific content is not available on the server at that time allowing the server to go to the next server.

12. Regarding the argument that Chung does not teach a proxy server, the examiner disagrees. A server can act as a proxy. A proxy is an intermediate application program that acts as both a client and a server. Chung discloses such server. Therefore, the system disclosed by Chung meets the limitations of the claims.

13. In respond to arguments made regarding claim 1, In response to arguments that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., allowing a client request to be redirected from a first server to a second server while keeping the first server in control of subsequent request by the client for services of the second server, the servers communicating directly) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

14. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. comparing network address to the addresses of servers in the server to check if the addresses are identical to server before sending a request to a server) are not recited in the rejected independent claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. Regarding the argument that routers and dispatchers cannot be considered to be “servers”, the examiner disagrees. A server provides some service to other (client) programs and so the does the dispatchers and routers. Therefore, Chung teaches the argued limitations.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (703) 305-8054. The examiner can normally be reached on M-F from 8:30-5:00.

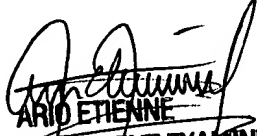
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
Patent Examiner
AU : 2157

June 29, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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